

(As of February 20, 2001)

Section 6-1511. Adoption of the General Plan and Development Plans²² --

1. The council shall adopt the general plan or revisions thereof by resolution and development plans or amendments thereto by ordinance. Resolutions adopting or revising the general plan shall be laid over for at least two weeks after introduction. Such resolutions shall be advertised once in a daily newspaper of general circulation at least ten days before adoption by the council. Upon adoption, every such resolution shall be presented to the mayor, and the mayor may approve or disapprove it pursuant to applicable provisions governing the approval or disapproval of bills.

The general plan and all development plans shall be kept on file in the department of planning and permitting.

2. Any revision of or amendment to the general plan or any existing development plan may be proposed by the council and shall be processed in the same manner as if proposed by the director. Any such revision or amendment shall be referred to the director and the planning commission by resolution, which resolution shall be accompanied by supporting documentation sufficient to satisfy the director's usual requirements for the commencement of processing. If the planning commission disapproves the proposed revision or amendment or recommends a modification thereof, not accepted by the council, or fails to make its report within a period of either thirty days after the close of its public hearing or ninety days after its receipt by the commission, whichever occurs first, the council may nevertheless adopt such revision or amendment, but only by the affirmative vote of at least two-thirds of its entire membership.

Any revision of or amendment to the general plan or any existing development plan which has been processed as an "unendorsed proposal" shall, in the absence of an affirmative recommendation from the planning commission, require for its adoption the affirmative vote of at least two-thirds of the entire membership of the council.

3. Public improvement projects and subdivision and zoning ordinances shall be consistent with the development plan for that area, provided that development plan amendments and zoning map amendments may be processed concurrently.²³ If any provision of the general plan or development plans places the receipt of federal funds in jeopardy, the council may, after

²²Charter does not give city council carte blanche authority to engage independent contractual services in the interest of its legislative policy-making and investigative powers. Each branch of the government is expected to cooperate with the other. The executive branch is primarily responsible for initially proceeding to conduct in-depth studies relating to city planning. Only if that branch has been requested to do so by the legislative branch, and has failed to comply with the request, may the council commission such studies as an incidental exercise of its power to amend or revise an existing general plan or development plan. Akahane v. Fasi, 58 Haw. 74, 565 P.2d 552 (1977).

Enactment of and amendments to development plans constitute legislative actions of the City Council and as such are entitled to a presumption of validity. Lum Yip Kee, Ltd. v. City and County of Honolulu, 70 Haw. 179, 767 P.2d 815 (1989).

²³State not required to conform with charter requirement that public improvements must implement an area's development plan when the public improvement in question is expansion of the University of Hawaii campus. Kunimoto v. Kawakami, 56 Haw. 582, 545 P.2d 684 (1976).

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a public hearing, set aside the general plan or development plans, but only to the extent necessary to resolve the conflict which jeopardizes federal funding.

4. No person shall construct, operate or maintain any street railway or bus or other motor vehicle common carrier line or transit system on any street or route within the city unless the location and extent thereof has been submitted to and approved by the director as being in conformity with the general plan and the development plan for that area. *(1998 General Election Charter Amendment Question No. 1(III))*